

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SP0N, INC. d/b/a CITIZEN
Employer

and

Case 02-RC-283400

COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's mail ballot determination is denied as it raises no substantial issues warranting review.¹ The Employer's request for a stay of the election is denied as moot.

MARVIN E. KAPLAN, MEMBER

GWYNNE A. WILCOX, MEMBER

DAVID M. PROUTY, MEMBER

Dated, Washington, D.C., November 9, 2021.

¹ As an initial matter, we find that the Regional Director erred in approving a stipulated election agreement that purported to reserve the right to seek review of pre-election issues that were otherwise resolved in that agreement, including issues that the agreement stipulated would be resolved by the Regional Director. In this regard, Sec. 102.62(b) of the Board's Rules and Regulations—which governs stipulated election agreements—makes clear that the right to seek review is limited to post-election disputes. Moreover, permitting review of pre-election issues runs counter to the purpose of a stipulated election agreement, which is intended to effectively resolve all pre-election disputes without litigation or review, thereby streamlining the pre-election process.

Nevertheless, we find that it is appropriate to deny the Employer's request for review on the merits, as the Regional Director did not abuse his discretion in ordering a mail ballot election, and was precluded from ordering an electronic election for the reasons he stated in his letter to the parties.